

MONDAY, APRIL 10, 1969

THIRTY-FIRST LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Larry Bolden, Southwest Baptist Church, Kingston, Tennessee.

Representative Jim Henry led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray. 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Cross was excused because of illness.

The Speaker announced that Representative Head was excused because of personal business.

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REMARKS

MR. SPEAKER: This is to request that my absence from the House Session be excused [for Thursday, April 6, 1989]. I had to make an emergency return to Chattanooga that morning.

Thank you for your consideration of the above.

Rep. Brenda Turner

MESSAGE FROM THE GOVERNOR
April 7, 1989

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill(s) No(s). 967; and House Joint Resolution(s) No(s). 169, 172, 174, 175, 176, 178, 181 and 203, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REGULAR CALENDAR

House Bill No. 1096 -- Day Care -- Enacts Day Care Facilities Loan Guarantee Program. Amends TCA, Title 4, Ch. 31.

Further consideration of House Bill No. 1096, previously considered on April 3, 1989, at which time it was reset to the Calendar for April 10, 1989.

Rep. Naiten moved that House Bill No. 1096 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1096 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

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Rep. Starnes moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1096 by deleting all language of the bill following the caption and by substituting instead the following:

WHEREAS, there exists in the state a great and growing need for child care facilities to provide accessible and safe care for children whose parents are in the work force; and

WHEREAS, there is a need for financial assistance to small business entities, including sole proprietorships, and to not-for-profit corporations, which are qualified and which desire to establish or expand child care facilities in Tennessee, but which are unable to obtain private financing; and

WHEREAS, such assistance will have the effect of creating new child care slots in Tennessee which otherwise would not be created; and

WHEREAS, assistance to small business entities which desire to establish or expand child care facilities will promote economic development, increase employment and expand quality child care in Tennessee; and

WHEREAS, both the safety of children and the economic development of the state are important interests of the state, and the availability of financial assistance would serve to foster both; and

WHEREAS, a loan guarantee program would encourage the flow of private dollars into the creation of new child care slots; and

WHEREAS, it is in the public interest of the state to promote the prosperity and general welfare of all citizens, and especially that of children, by stimulating creation of new child care slots and by assisting small business entities by encouraging a larger flow of private funds to help satisfy the need for quality child care facilities; and

WHEREAS, it is therefore expressly declared that the provisions of this act, and the powers herein conferred constitute a needed program in the public interest and serve a necessary and valid purpose for which public money may be expended; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby created a nonprofit corporation which shall be known as the "Tennessee Child Care Facilities Loan Guarantee Corporation", hereinafter referred to as the "corporation". The corporation shall be registered with the secretary of state of the state of Tennessee, and shall be subject to the corporate laws of the state of Tennessee.

SECTION 2.

(a) The corporation shall be a body, politic and corporate, and a quasi-public instrumentality which shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions and shall be deemed to be serving a public purpose and improving and otherwise promoting their health, welfare, and prosperity through the creation of jobs and child care slots.

(b) The corporation shall be empowered to act on behalf of the state of Tennessee and its people in serving this public purpose for the benefit of the general public.

(c) The corporation shall have perpetual succession and shall adopt, amend and repeal by-laws and regulations for the conduct of its affairs.

SECTION 3.

(a) The corporation shall be governed and its corporate powers exercised by or under the direction of a board of directors, which shall consist of the governor, or his designee, the commissioners of economic and community development and of human services, or their designees, the treasurer of the state of Tennessee or his designee, the controller of the treasury or his designee, and two (2) appointed directors, one (1) of whom shall be appointed by the governor from a slate nominated from the day care industry by the commissioner of human services and one (1) of whom shall be appointed by the governor from a slate nominated from the financial industry by the commissioner of economic and community development.

(b) Upon July 1, 1989, the governor shall appoint the directors who shall serve as follows: the director nominated by the commissioner of human services shall be appointed for an initial term of two (2) years. Thereafter, appointments of members nominated by the commissioner of human services shall be for four (4) years. Appointments of members nominated by the commissioner of economic and community development shall likewise be for four (4) year terms.

(c) Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Members shall serve until their successors are appointed. Any member may be removed from his appointment by the governor for cause.

(d) The governor shall from time to time designate a member of the board as its chairperson. The treasurer of the state of Tennessee shall be the treasurer of the corporation. The treasurer shall be custodian of all assets of the corporation. The board may elect such other officers as it may require.

(e) Four (4) of the directors of the corporation shall constitute a quorum and the affirmative vote of four (4) directors shall be necessary for any action to be taken by the board.

(f) The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for reasonable expenses incurred in the performance of official duties. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

(g) The board may employ an executive director and delegate to the executive director such responsibilities as it may consider appropriate and may also employ other personnel as may be required to carry out the purposes of this act.

(h) The corporation is hereby authorized and empowered to expend for the necessary administration of the provisions of this act any funds appropriated, received or allocated for the purposes of this act.

(i)

(1) No member or employee of the corporation, during his tenure or for six (6) months thereafter, shall be employed by, hold any paid official relation to, or have any financial interest in any child care enterprise for which the corporation has guaranteed a loan.

(2) If any member or employee of the corporation shall have a direct or indirect interest in any other business or contract with the corporation other than those described in subdivision (1), or shall have an

ownership interest in any firm, corporation, or other entity having an interest in any business or contracts with the corporation other than those described in subdivision (1), such interest shall be disclosed in writing and set forth in the official minutes of the corporation and such member or employee shall refrain from participation in any discussion or activity by the corporation in connection with such business or contract.

(3) If any member or employee fails to comply with the foregoing provisions, such member or employee may, after proper notification and opportunity to be heard, be disqualified from membership with or employment by the corporation by a majority vote of the board of directors and may not be reappointed to or reemployed by the corporation.

(4) In no event shall any failure to comply with this section affect the validity of any contract or obligation made by the corporation under this act.

SECTION 4. The purpose of the corporation shall be to create new child care slots in Tennessee by assisting in the start-up and expansion of child care facilities through the guaranteeing of loans from the private sector which otherwise would not be made, and thereby to expand quality child care, promote economic development and increase employment in Tennessee. For this purpose the corporation shall have the following powers:

(1) To have perpetual succession as a body corporate and to adopt by-laws, rules, regulations, policies, and procedures for the regulation of its affairs and conduct of its business;

(2) To adopt an official seal;

(3) To receive state funds for the purpose of guaranteeing loans for child care facilities;

(4) To administer the loan guarantee program established under this act;

(5) To enter into contracts, agreements and other transactions and execute all instruments necessary or convenient for the carrying on of its business;

(6) To apply for and accept grants, and contributions from any source of money, property, labor or other things of value, to be held, used and applied for the purposes of this act;

(7) To provide and pay for such advisory services and technical assistance and to engage consultants and appraisers as may be necessary or desirable to carry out the purposes of this act; and

(8) To exercise such other powers necessary to carry out its purposes and exercise the powers expressly granted in this act.

Provided, however, the exercise of the foregoing powers shall be in conformance with all other applicable provisions of the law.

SECTION 5.

(a) The chairperson of the board of the corporation shall make and deliver to the governor and the commissioner of finance and administration on or before November 1, 1989, and each year thereafter, a certificate stating the amount, if any, estimated to be required for payment of or provision for expenses of the corporation and for maintaining the loan guarantee fund level at one million dollars (\$1,000,000) under this act for the next ensuing state fiscal year. The amount so stated for any such ensuing state fiscal year shall be the sum of the amounts, if any, estimated for such fiscal year, by which anticipated operating expenses will exceed available operating and other revenues that the corporation anticipates with reasonable certainty it will receive during such fiscal year plus the amount needed to maintain the loan guarantee fund at one million dollars (\$1,000,000). To assure the continued operation and solvency of the corporation for the fulfillment of the purposes of this act, there shall be apportioned and paid to the agency after audit by the appropriate state officials on vouchers certified or approved by the officer or officers authorized by the corporation, not more than the amount so stated for expenses of the corporation and for maintaining the level of the loan guarantee fund for such fiscal year. All such payments shall be subject to the appropriation of such amounts by the general assembly and shall be subject to a determination by the commissioner of finance and administration that such appropriated amounts are available.

(b) As used in this section:

(1) "Available operating revenues" for the fiscal year shall mean all fees charged by the corporation, if any, and income or interest earned or added to funds of the corporation due to the investment thereof; and

(2) "Operating expenses" for the fiscal year shall mean ordinary expenditures for operation and administration of the corporation.

(c) The annual budget of the agency shall be prepared in accordance with Tennessee Code Annotated, Title 9, Chapter 6.

SECTION 6.

(a) All funds received, appropriated or otherwise coming under the control of the corporation shall be deposited into the state treasury to the credit of the child care facilities loan guarantee account created elsewhere in this act.

(b) Funds in the account shall be used to pay all expenses and disbursements authorized by the corporation including:

(1) Guaranty payments required by loan defaults; and

(2) Expenses for administration, legal, actuarial, and other services.

(c) In guaranteeing loans under this part, consideration shall be given to:

(1) Community need;

(2) Geographic distribution; and

(3) Community income, with priority given to those communities with the lowest median family income.

SECTION 7. Subject to the restrictions of this act, the corporation, on application, may provide to the applicant a guarantee of a loan made to the applicant.

SECTION 8. The corporation may guarantee a loan made to an applicant only if:

(1) The applicant meets the qualifications required by this act; and

(2) The loan is to be used to finance expansion or development of a day care center, group day home or family day home;

(3) The documentation evidencing a loan guarantee clearly states that such guarantee is an obligation of the Tennessee Child Care Facilities Loan

Guarantee Corporation and not of the state of Tennessee, and any amounts required to be paid pursuant to the loan guarantee is subject to the availability of sufficient funds of the corporation.

SECTION 9.

(a) To apply for financial assistance, an applicant shall submit to the corporation an application on the form that the corporation requires.

(b) The application shall include:

- (1) A detailed description of the project;
- (2) An itemization of known and estimated costs including the costs for design professionals and building and fire code compliance;
- (3) The total amount of investment required to perform the contract;
- (4) The funds available to the applicant without loan guarantee assistance from the corporation;
- (5) The amount of loan guarantee assistance sought from the corporation;
- (6) Information that relates to the inability of the applicant to obtain adequate financing on reasonable terms through normal lending channels;
- (7) Information that relates to the financial status of the applicant, including, if applicable:
 - (i) A current audited balance sheet;
 - (ii) A profit and loss statement;
 - (iii) Credit references; and
- (8) Any other relevant information that the corporation requests.

SECTION 10. There is hereby created within the state treasury a restricted account to be known as the child care facilities loan guarantee account. Amounts in the account at the end of any fiscal year shall not revert but shall remain available to the corporation for the purposes set forth in this act. Amounts in the account shall be invested for the benefit of the account by the treasurer pursuant to Section 9-4-603. The account shall be administered by the corporation.

SECTION 11. The corporation is authorized to determine the total dollar amount of loans to be guaranteed, with a maximum of five (5) times the balance of appropriated funds plus income less expenses of the corporation.

SECTION 12. The corporation is authorized to charge a premium to the borrower to help defray the cost of administering the program.

SECTION 13. The corporation may contract with an appropriate organization to operate its programs under the provisions of this act.

SECTION 14. In order to insure that as many communities as possible benefit from the program, individual loan guarantees shall not exceed two hundred fifty thousand dollars (\$250,000).

SECTION 15.

(a) Except as provided in this act, the corporation may set the terms and conditions for guarantees of loans.

(b) The total aggregate amount of the loan guarantee may not exceed eighty percent (80%) of the loan.

SECTION 16.

(a) An individual or entity meeting the requirements of this act is authorized to make application to the corporation for a loan guarantee pursuant to the provisions of this act.

(b) The corporation shall review the application. If, after making such review, the corporation determines that the applicant is eligible under the provisions of this act, and the rules promulgated pursuant thereto, the corporation is authorized to approve a loan guarantee pursuant to the provisions of this act, and the rules promulgated pursuant thereto.

SECTION 17.

(a) The corporation shall annually submit to the governor, the speaker of the senate, and the speaker of the house of representatives within ninety (90) days after the end of its fiscal year, a complete and detailed report setting forth its operation and accomplishments.

(b) The corporation shall be subject to examination and audit by the state comptroller of the treasury in the same manner as prescribed for departments and agencies of the state of Tennessee.

SECTION 18.

(a) The powers enumerated in this act shall be interpreted liberally to effectuate the purposes thereof and shall not be construed as a limitation of powers.

(b) To the extent that the provisions of this act are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this act shall be deemed controlling.

SECTION 19. Tennessee Code Annotated, Title 4, Chapter 31, is amended by adding Sections 1 through 20 of this act as a new, appropriately designated part.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 1096, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

*House Bill No. 1162 -- Historical Sites -- Broadens definition of "historic district". Amends TCA, Title 13, Ch. 7.

Rep. West moved that House Bill No. 1162 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	94
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

House Bill No. 1225 -- Alcoholic Beverages -- Permits commercial airline travel club to provide free drinks. Amends TCA 57-4-203.

Rep. West moved that House Bill No. 1225 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	54
Noes.	38
Present and not voting.	2

Representatives voting aye were: Bell, Bittle, Buck, Burnett, Cain, Chiles, Clark, Coffey, Collier, Crain, Curlee, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Hassell, Henry (Roane), Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, Miller, Moody, Naifeh, Napier, Nuber, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Starnes, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 54.

Representatives voting no were: Anderson, Bivens, Bragg, Byrd, Callicott, Davis (Cocke), Davis (Gibson), Good, Gunnels, Halteman, Harrill, Haun, Hawkins, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, McAfee, McDaniel, Moore (Shelby), Niceley, Pinion, Rhinehart, Robinson (Washington), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Ussery, Webb, Whitson, Wolfe, Wood -- 38.

Representatives present and not voting were: Armstrong, Odom
-- 2.

A motion to reconsider was tabled.

*House Bill No. 0155 -- Mental illness -- Grants mental health professionals immunity from certain civil suits resulting from violent acts of patients. Amends TCA, Title 33, Ch. 10.

Rep. West moved that House Bill No. 155 be passed on third and final consideration.

Rep. Starnes moved to amend as follows:

Amendment No. 1

Amend House Bill No. 155 by deleting Sections 1 through 5, inclusive, in their entirety and by substituting instead the following:

SECTION 1. Title 33, Chapter 10 is amended by adding the following new sections as a new part thereto:

33-10-___ As used in this part unless the context otherwise requires:

(1) "Qualified mental health professional" means a licensed psychologist or psychological examiner; a certified or licensed social worker; and a licensed professional nurse who functions as a psychiatric mental health nurse. For purposes of this part and with respect to a mental health facility as defined herein, "qualified mental health professional" shall include those employees who are normally responsible for transmitting and/or recording communications from a patient to a professional responsible for the treatment of that patient. The provisions of this part shall not apply to any employee of the state of Tennessee.

(2) "Mental health facility" means a community mental health center licensed pursuant to Title 33,

Chapter 2, Part 5.

33-10-___

(a) No monetary liability and no cause of action may arise against any qualified mental health professional or mental health facility for failing to predict, warn of, or take precautions to provide

protection from a patient's violent behavior, unless the patient has communicated to the qualified mental health professional an actual threat of bodily harm reasonably foreseeable to the qualified mental health professional in view of the reasonable skill, knowledge, and care ordinarily possessed and exercised by members of the professional specialty of the qualified mental health professional under similar circumstances, against a clearly identified or reasonably identifiable victim or him or herself.

(b) The duty to warn of or to take reasonable precautions to provide protection from violent behavior involving bodily harm arises only under the limited circumstances specified in subsection (a) of this section and shall be discharged as follows:

(1) The duty to warn a clearly or reasonably identifiable victim shall be discharged by the qualified mental health professional or mental health facility if reasonable efforts are made to communicate the threat to the victim, or, if the qualified mental health professional or mental health facility is unable to communicate the threat to the victim, then to inform the police department of the jurisdiction of the patient's and the victim's residence of the threat of violence; or

(2) When the patient has communicated to the qualified mental health professional or mental health facility an actual threat of reasonably foreseeable specific bodily harm and no particular victim is identifiable, if reasonable efforts are made to communicate the threat to law enforcement authorities; or

(3) If the patient is admitted and detained in a hospital or treatment facility on an emergency basis pursuant to Tennessee Code Annotated, Title 33, Chapter 6.

(c) No monetary liability and no cause of action shall arise against any qualified mental health professional or mental health facility for otherwise confidential communications disclosed to third parties in an effort to discharge a duty arising under subsection (a) of this section according to the provisions of subsection (b) of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Rep. Starnes moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 155 in Section 3 by adding the following as new Subsection (c):

- (c) The provisions of this law shall not be held to create or impose any special or additional duty on a law enforcement authority, or a law enforcement officer, notified as provided herein.

No civil liability or cause of action shall arise against a law enforcement authority or officer notified as provided herein as a result of a failure to prevent physical violence by the patient.

On motion, Amendment No. 2 was adopted.

Rep. West moved that House Bill No. 155 be reset to the Calendar for Thursday, April 13, 1989, which motion prevailed.

House Bill No. 1284 -- Pest Control -- Authorizes commissioner of agriculture to carry out program to eradicate boll weevil.

Rep. DePriest moved that House Bill No. 1284 be passed on third and final consideration.

Rep. Stallings moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 1284 by deleting the words "monitoring, and destruction of growing cotton or other host plants" in the original Section 4 and by substituting instead the words "and monitoring".

AND FURTHER AMEND by deleting the words "the pasturage of livestock" in the original Section 9(a).

AND FURTHER AMEND by deleting subdivision (4) of the original Section 11(b) in its entirety and by substituting instead the following:

- (4) The organization's board of directors shall be comprised as follows:

- (A) Four (4) Tennessee cotton growers to be appointed by the commissioner;

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(B) One (1) representative from each cotton producer organization certified as a producer organization by the National Cotton Council and eligible to name delegates to such council; and

(C) One (1) representative of state government from this state to be appointed by the commissioner.

AND FURTHER AMEND by deleting subsection (d) of the original Section 13 in its entirety and by substituting instead the following:

(d) Passage of such referendum shall require a two-thirds (2/3) majority of those eligible cotton growers voting.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. DePriest moved that House Bill No. 1284, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0588 -- Municipal Government -- Revises operations and procedures of Local Development Authority concerning water and sewage treatment projects. Amends TCA, Title 4, Ch. 31; Title 68, Chs. 13, 31.

Rep. Bragg moved that House Bill No. 588 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 588 as follows:

(1) Section 7 is amended by deleting the section in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 68-13-201, is amended by deleting the phrase "pursuant to the federal Water Pollution Control Act of 1956 (P.L. 84-660) as amended" at the end of subsection (4), and by adding the following new subsection to be designated as subsection (1) and by redesigning the subsequent subsections accordingly:

(1) "Authority" means the Tennessee local development authority, a public agency, created by Tennessee Code Annotated, Section 4-31-101 et seq., or its successor.

(2) Section 9 is amended by adding the following language at the end of the section:

Tennessee Code Annotated, Section 68-13-203(b) is further amended by deleting the phrase "prevail in the administration of the federal Water Pollution Control Act of 1956 (P.L. 84-660) as amended (compiled at 33 U.S.C. Section 1251 et seq.)" and by adding the phrase "prescribed by this part and the rules of the department" at the end of the first sentence of the subsection.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 588, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Napier, Niceley, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson),

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Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives present and not voting were: Hassell, Moore (Shelby), Nuber -- 3.

A motion to reconsider was tabled.

House Bill No. 0591 -- Utilities, Utility Districts -- Allows idle funds of utility districts to be invested. Amends TCA, Title 7, Ch. 82.

Rep. Bragg moved that House Bill No. 591 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 591 by adding the following at the end of Section 1(a):

(8) The local government investment pool created by Tennessee Code Annotated, Title 9, Chapter 4, Part 7.

AND FURTHER AMEND by changing the word "foreign" in Section 1(a)(6) to the word "foregoing".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 591, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 0592 -- Bonds and Undertakings: Regulation of -- Requires reporting of information concerning issuance of debt obligations by public utilities. Amends TCA 7-53-303.

Rep. Bragg moved that House Bill No. 592 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 592 is amended by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1.

(a) The following definitions shall be applicable to this section only:

(1) "Debt obligation" means bonds, notes, debentures, and lease purchase agreements with a maturity greater than one (1) year after issuance or incurrence without regard to whether the interest thereon is excludable from Federal income tax;

(2) "Director" means the state director of local finance in the office of the comptroller of the treasury;

(3) "Public entity" means a county, municipality, metropolitan government, board, agency, authority, district, or other entity authorized to issue debt which is exempt from state taxation pursuant to Tennessee Code Annotated, Chapter 2 of Title 67; and

(4) "State funding board" means the state funding board created pursuant to Tennessee Code Annotated, Chapter 9 of Title 9.

(b) Not later than 45 days following the issuance of debt obligations by or on behalf of any public entity, such public entity shall submit the following information to the director:

- (1) the name and address of the public entity;
- (2) the dated date, the issue date, the maturity date or dates, the stated interest rate for each maturity, and the face amount of the debt obligation;
- (3) a brief description of the purpose or purposes for which the debt obligation was issued;
- (4) a brief description of the security for the debt obligation;
- (5) an itemized description of the costs of issuance of the debt obligation including, financial advisory fees, bond counsel fees, other legal fees, paying agent and registrar fees, trustee fees, credit enhancement fees, liquidity fees, remarketing agent fees, rating agency fees, underwriters' discount, printing and advertising fees, and other similar expenses; and,
- (6) a copy of the disclosure document, if any.

The state funding board shall adopt by resolution a form to be used for the submission of such information. The director shall prepare an annual report to the general assembly containing information on public entity debt.

(c) Upon discovery by the public entity of a failure to timely file the information required by subsection (b), the public entity may immediately request permission from the director to permit a late filing of such information. In addition, upon discovery by the director of the failure of a public entity to file the information required by subsection (b), the director shall notify the public entity of such failure and the public entity may request permission from the director to permit a late filing of such information. The public entity may request permission for a late filing by submitting the required information. The director shall respond to the public entity within 30 days following receipt of the request and shall grant the request upon a finding that all of the information required by this section has been filed with the director.

(d) The director shall maintain a current list of all public entities that have failed to respond to the director's notification of failure to file. The list of public entities who have failed to comply with the requirements of this section shall be a public record and the director shall immediately respond to any request concerning whether a public entity is currently on the list. Upon receipt of the information required by subsection (b) hereof for any debt obligations for which

such information is deficient, the director shall remove the public entity from the list and notify the public entity of its removal. If a public entity is on the director's list of public entities who have failed to comply with this section as described herein, no debt obligations may be issued by such public entity without submitting to the director all the information required by subsection (b) hereof for any debt obligations for which such information is deficient and receiving notification from the director that such public entity has been removed from the list.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 592, as amended, be passed on third and final consideration; which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Nicoley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipee, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Duer -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Williams moved that the rules be suspended for the purpose of introducing House Resolution No. 21 out of order, which motion prevailed.

House Resolution No. 0021 -- Memorials, Recognition and Thanks -- Welcomes Soviet guests of Peacelinks-Nashville to Tennessee by *Williams K, *Turner B, *Gaia, *DeBerry, *Robinson Ruth, *Hassell, *Wolfe, *Pruitt, *Halteman, *Duer, *Peroulas.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, the resolution was adopted by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0928 -- Banks and Financial Institutions -- Adds community development corporations to list of approved statutory investments for state banks. Amends TCA 45-2-607.

On motion, House Bill No. 928 was made to conform with Senate Bill No. 724.

On motion, Senate Bill No. 724, on same subject, was substituted for House Bill No. 928.

Rep. Dixon moved that Senate Bill No. 724 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones,

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U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

***House Bill No. 1131 -- Alcoholic Beverages --** Expands definition of "club" to include certain recreational clubs. Amends TCA 57-4-102.

Rep. Cain moved that House Bill No. 1131 be reset to the Calendar for Thursday, April 13, 1989, which motion prevailed.

CONSENT CALENDAR

House Bill No. 0578 -- Utilities, Utility Districts -- Removes exemptions of utility districts located in Rutherford County from the Utility District Law of 1937. Amends TCA, Title 7, Ch. 82.

On motion, House Bill No. 578 was made to conform with Senate Bill No. 224.

On motion, Senate Bill No. 224, on same subject, was substituted for House Bill No. 578.

House Bill No. 0589 -- Health and Environment, Dept. of -- Creates and designates membership of utility management review board. Amends TCA 7-82-701. Repeals TCA 7-82-707, 708.

House Bill No. 1447 -- Teachers -- Allows creation of sick leave bank for teachers in Obion County to become effective at times other than August 1. Amends TCA, Title 49, Ch. 5, Pt. 8.

On motion, House Bill No. 1447 was made to conform with Senate Bill No. 1457.

On motion, Senate Bill No. 1457, on same subject, was substituted for House Bill No. 1447.

***House Bill No. 0528 -- Highway Signs --** Names bridge at junction of Highways 321 and 67 in Carter County "Ray Lowe, Jr. Bridge".

On motion, House Bill No. 528 was made to conform with Senate Bill No. 1159.

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On motion, **Senate Bill No. 1159**, on same subject, was substituted for House Bill No. 528.

House Bill No. 0905 -- District Attorneys -- Increases number of assistant district attorney general positions in second judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

On motion, House Bill No. 905 was made to conform with Senate Bill No. 518.

On motion, **Senate Bill No. 518**, on same subject, was substituted for House Bill No. 905.

House Bill No. 0696 -- Taxes, Real Property -- Requires county trustee to accept quarterly payments of property tax in certain counties. Amends TCA, Title 67, Ch. 5, Pt. 18.

House Bill No. 0297 -- Gas, Petroleum Products, Volatile Oils -- Requires transporters and storers of crude petroleum or natural gas to keep records and file reports. Amends TCA, Title 60, Ch. 1, Pt. 1.

On motion, House Bill No. 297 was made to conform with Senate Bill No. 120.

On motion, **Senate Bill No. 120**, on same subject, was substituted for House Bill No. 297.

House Bill No. 1321 -- Sunset Laws -- Accelerates termination of health facilities commission. Amends TCA, Title 4, Ch. 29, Pt. 2.

House Bill No. 1310 -- Motor Vehicles, Titling and Registration -- Reduces fee on Pearl Harbor survivor license plates. Amends TCA 55-4-238.

On motion, House Bill No. 1310 was made to conform with Senate Bill No. 1378.

On motion, **Senate Bill No. 1378**, on same subject, was substituted for House Bill No. 1310.

***House Bill No. 1062 -- Tort Liability --** Clarifies that board members of certain cemetery corporations are immune from personal liability only if liability insurance coverage is carried. Amends TCA 48-58-601.

***House Bill No. 0652 -- Taxes, Gasoline, Petroleum Products --** Revises bond and refund provisions of Fuel Tax Law. Amends TCA 67-3-704, 707, 708.

House Bill No. 1383 -- Judges and Chancellors -- Provides method for declaring certain judges and chancellors to be disabled and to appoint special judge during period of disability. Amends TCA 17-2-116.

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On motion, House Bill No. 1383 was made to conform with Senate Bill No. 1066.

On motion, Senate Bill No. 1066, on same subject, was substituted for House Bill No. 1383.

House Bill No. 1384 -- Judicial Officers -- Authorizes the judicial council to employ staff sufficient for its reporting and statistical duties. Amends TCA 16-21-105.

On motion, House Bill No. 1384 was made to conform with Senate Bill No. 1067.

On motion, Senate Bill No. 1067, on same subject, was substituted for House Bill No. 1384.

*House Bill No. 0358 -- Metropolitan Government -- Revises structure of charter commission. Amends TCA 7-2-101, 103, 104.

House Joint Resolution No. 0229 -- Memorials, Personal Achievement -- Congratulates Jason Lynn Holt on winning the Hamblen County Spelling Bee.

House Joint Resolution No. 0233 -- Memorials, Congratulations -- Congratulates Woodbury Church of Christ on 100th anniversary.

House Bill No. 1476 -- School Districts, Special -- Provides for bond issue of \$6,600,000 by Franklin Special School District.

House Bill No. 1477 -- Wayne County -- Levies severance tax on pulpwood.

House Bill No. 1479 -- Baxter -- Revises charter provisions relative to term of office of the mayor, aldermen and town recorder. Amends Chapter 35, Private Acts of 1915, as amended.

Senate Joint Resolution No. 0186 -- Memorials, Personal Occasion -- Congratulates Mr. and Mrs. Claude Lombardino on the birth of their son Joshua Eugene Lombardino.

Senate Joint Resolution No. 0187 -- Memorials, Personal Occasion -- Congratulates Mr. and Mrs. Percy H. Harvey on their infant daughter, Nicole Elizabeth Prater Harvey.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1321 was objected to by Rep. Starnes.

Under the rules, House Bill No. 1321 was/were placed at the foot of the calendar for Wednesday, April 12, 1989.

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Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Sipes moved that the rules be suspended for the purpose of introducing House Resolution No. 20 out of order, which motion prevailed.

House Resolution No. 0020 -- Memorials, Condolence -- Honors memory of Guydell Williams. by *Sipes, *Kisber.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sipes, the resolution was adopted.

A motion to reconsider was tabled.

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MESSAGE FROM THE SENATE

April 10, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 190, adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Good moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 190 out of order, which motion prevailed.

Senate Joint Resolution No. 0190 -- Memorials, Professional Achievement -- Honors George William Kelly on career as journalist and educator.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Good, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 244 out of order, which motion prevailed.

House Joint Resolution No. 0244 -- Memorials, Sports -- Welcomes new University of Tennessee head basketball coach Wayne Houston home. by *Armstrong, *Anderson, *Webb, *Davis J K, *Niceley, *Good, *Bittle, *Severance.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye, be added as sponsors, the resolution was adopted by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis,

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Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 468: Rep(s). Wix added as prime sponsor(s).

House Bill No. 979: Rep(s). Robinson (Hamilton) added as prime sponsor(s).

BILLS WITHDRAWN

On motion of Rep. Napier, House Joint Resolution No. 158 was recalled from the Conservation and Environment Committee.

On motion of Rep. Napier, House Joint Resolution No. 158 was withdrawn from the House.

On motion of Rep. Holcomb, House Bill No. 968 was recalled from the Calendar and Rules Committee.

On motion of Rep. Holcomb, House Bill No. 968 was withdrawn from the House.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0018 -- Memorials, Personal Achievement -- Congratulates Dale Tomlinson on winning 1989 Miss Memphis pageant. by *Shirley.

The Speaker referred House Resolution No. 18 to the Calendar and Rules Committee.

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House Resolution No. 0019 -- Memorials, Personal Occasion -- Congratulates Mr. and Mrs. Greg Hedrick on birth of their daughter, Christina Danielle Hedrick. by *Kent.

The Speaker referred House Resolution No. 19 to the Calendar and Rules Committee.

***House Joint Resolution No. 0234 -- General Assembly, Studies --** Creates special joint committee to study legislative facilities and services. by *Copeland.

The Speaker referred House Joint Resolution No. 234 to the State and Local Government Committee.

House Joint Resolution No. 0235 -- Memorials, Personal Achievement -- Congratulates Janet Lee Clowes on being crowned Miss Belmont College 1989. by *Naifeh, *Halteman.

The Speaker referred House Joint Resolution No. 235 to the Calendar and Rules Committee.

House Joint Resolution No. 0236 -- Memorials, Congratulations -- Congratulates First State Bank of Covington on 70 years of service. by *Naifeh.

The Speaker referred House Joint Resolution No. 236 to the Calendar and Rules Committee.

House Joint Resolution No. 0237 -- Memorials, Public Service -- Honors Sarah Ann High Bradshaw, a noteworthy Tennessee citizen. by *Bell, *Wix.

The Speaker referred House Joint Resolution No. 237 to the Calendar and Rules Committee.

House Joint Resolution No. 0238 -- Memorials -- Honors WLOK radio of Memphis. by *Jones R, *Turner L, *DeBerry, *Dixon, *Jones U, *King, *Pruitt, *Love, *Armstrong, *Robinson C B, *Bittle.

The Speaker referred House Joint Resolution No. 238 to the Calendar and Rules Committee.

House Joint Resolution No. 0239 -- Memorials, Condolence -- Honors memory of Alton William Patten, Jr. of Chattanooga. by *Robinson C B, *Starnes, *DeBerry, *Wood, *McAfee, *Copeland, *Jones R.

The Speaker referred House Joint Resolution No. 239 to the Calendar and Rules Committee.

***House Joint Resolution No. 0240 -- General Assembly, Studies --** Creates special joint committee to study licensing of contractors and subcontractors. by *Nuber.

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The Speaker referred House Joint Resolution No. 240 to the Commerce Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution No. 0177 -- Memorials, Sports -- Honors John Robert Bell on induction in Tennessee Sports Hall of Fame.

The Speaker referred Senate Joint Resolution No. 177 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0178 -- Memorials -- Welcomes David Mookken and India's Women's Team to District 678.

The Speaker referred Senate Joint Resolution No. 178 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 1483 -- Carter County -- Authorizes county highway department to receive gifts for own benefit. by *Hawkins, *Whitson.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

***Senate Bill No. 0427 -- District Attorneys -- Revises staffing formula for district attorneys general. Amends TCA 16-2-506, 508.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 1361.

***Senate Bill No. 0475 -- Bad Checks -- Clarifies handling fee which municipal or county officer may impose on bad checks. Amends TCA 9-1-109.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 845.

***Senate Bill No. 0531 -- Civil Procedure -- Limits time within which to bring suit on contract in certain circumstances. Amends TCA 28-1-105.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 894.

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***Senate Bill No. 0551 -- Public Service Commission --** Sets schedule of increases for certain motor carrier permits. Amends TCA 65-15-116.

Held on the Clerk's desk pending third consideration of companion House Bill No. 550.

***Senate Bill No. 0658 -- Election Laws --** Removes language which prohibits corporate contributions on any proposition submitted to vote of people. Amends TCA 2-19-132.

Held on the Clerk's desk pending third consideration of companion House Bill No. 703.

***Senate Bill No. 0720 -- Surplus Property --** Authorizes local government to give surplus personal property to another local government. Amends TCA, Title 12, Ch. 3.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1072.

***Senate Bill No. 0748 -- Utilities, Utility Districts --** Authorizes board of commissioners in utility district in certain counties to be appointed by county executive; provides for per diem payment for members. Amends TCA, Title 7, Ch. 82.

Held on the Clerk's desk pending third consideration of companion House Bill No. 891.

Senate Bill No. 0791 -- Taxes, Excise -- Exempts sale of certain livestock. Amends TCA, Title 67, Ch. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1

***Senate Bill No. 0871 -- Firearms and Ammunition --** Permits judges to carry weapons. Amends TCA, Title 39, Ch. 6.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1031.

***Senate Bill No. 1039 -- Adoption --** Deletes requirement that final order of adoption be entered within two years of filing of petition. Amends TCA 36-1-124.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1033.

Senate Bill No. 1204 -- Telecommunications -- Revises taxation of telecommunications industry. Amends TCA, Title 65, Ch. 5, Pt. 2, 65-29-129, 67-5-501, 67-5-1302, 67-6-102; Title 67, Ch. 6, Pt. 3, 67-6-313, 67-6-507. Repeals TCA 67-4-407.

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Held on the Clerk's desk pending third consideration of companion House Bill No. 732.

Senate Bill No. 1432 -- Judicial Districts -- Updates law relative to number of judges to which tenth judicial district is entitled. Amends TCA 16-2-506.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1415.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1480 -- Highway Signs -- Passed second consideration and referred Transportation Committee.

House Bill No. 1481 -- Crockett County -- Passed second consideration and held on the Clerk's desk pending approval by local delegation.

House Bill No. 1482 -- Van Buren County -- Passed second consideration and held on the Clerk's desk pending approval by local delegation.

MESSAGE FROM THE GOVERNOR

April 10, 1989

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill(s) No(s). 387, 390, 458, 635, 691, 987, 1459, 1460, 1461 and 1462; and House Joint Resolution(s) No(s). 183, 186, 188, 189, 193, 194, 204, 210 and 227, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

SIGNED

April 10, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 59, 335, 363, 368, 638, 651, 654, 655, 700, 734, 778, 811, 899, 1077, 1078, 1208, 1297, 1443, 1452, 1457, 1465, 1466 and 1469; and House Joint Resolution(s) No(s). 192, 195 and 197.

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MESSAGE FROM THE SENATE

April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 932; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

April 10, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1162 and 1225; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 567; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 320 and 674; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

April 10, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 358, 588, 589, 591, 592, 652, 696, 1062, 1096, 1284, 1476, 1477 and 1479; and House

MONDAY, APRIL 10, 1989 -- THIRTY-FIRST LEGISLATIVE DAY

Joint Resolution(s) No(s). 229, 233 and 244; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1223; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 10, 40, 143, 145, 199, 211, 231 and 232; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 10, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 988; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 10, 1989

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1481 and 1482.

MONDAY, APRIL 10, 1989 -- THIRTY-FIRST LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 10, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, April 12, 1989: House Resolution(s) No(s). 18 and 19; House Joint Resolution(s) No(s). 235, 236, 237, 238 and 239; House Bill(s) No(s). 1481 and 1482; and Senate Joint Resolution(s) No(s). 177 and 178.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Naifeh, Napier, Nicelay, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 2:00 p.m., Wednesday, April 12, 1989.